

REMARKS

The Official Action of June 9, 2008, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 1, 4, 5, 7 and 8, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 2 and 3 have been canceled. Claims 1, 4, 5, 7 and 8 remain in the application for consideration.

In response to the Examiner's objection to the drawings and rejection of claims 1-5, 7 and 8 under 35 U.S.C. §112, second paragraph, Applicant has labeled the drawings as required by the Examiner and has amended claim 1 to eliminate the antecedent problem identified by the Examiner.

Applicant respectfully submits that the Examiner's objection to the drawings and rejection of the claims under 35 U.S.C. §112, second paragraph, has now been overcome.

The Examiner has further rejected claims 1, 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Lorenzi '508 in view of Strong '923 further in view of Danger '616, claims 2 under 35 U.S.C. §103(a) as being unpatentable over Lorenzi in view of Strong and Danger further in view of Lazzara '499, and claims 3, 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over Lorenzi in view of Strong, Danger and Lazzara further in view of Misch. Applicant respectfully traverses all of these rejections as applied to the claims as amended.

The Examiner maintains that the osteotomes of Lorenzi have "a threaded cylindrical section". Applicant does not agree. Lorenzi provides for an osteotome different from that as claimed, as it has a threaded section (called tapered body 11) which "tapers gradually and preferably in a straight or curved line from adjacent tip 15 to an intermediate region 16" (see para 0023 and Fig. 1 showing no cylindrical sections). As such, Lorenzi clearly does not teach both the claimed cylindrical and conical sections..

The claimed osteotome has a cylindrical section (8) followed by a conical section (9). This is advantageous, as explained in the description (page 6). The inventive osteotomes present a conical/cylindrical geometry with a progressive cross section, and as a result they act as wedges that gradually cause the crest to expand. Because of this progressive form, an excellent location is also created for the implants that have a very similar form to that given to the osteotomes. The cylindrical+conical shape makes the osteotome drill a cavity that is more similar and compatible with the implant that will be inserted later on.

Further, Applicant respectfully submits that there is no teaching in Lorenzi of the first and second connectors as claimed having a different shape from each other. Lorenzi is limited to the same "coupling" on each osteotome for engagement to a drill or hand wrench.

Applicant respectfully submits that the claimed invention patentably defines over the cited prior art rejection on the basis of the structural differences identified above.


Applicant further notes that when determining whether a claim is obvious, an Examiner must make a comparison of the claimed invention, including all its limitations, with the teaching of the prior art with some articulated reasoning with a rational underpinning to support the legal conclusion of obviousness. *Ex Parte Wade and Murphy*, BPAI Appeal No. 2007-3733 (January 14, 2008).

Given the above-identified structural differences, Applicant respectfully submits that the Examiner has not made a comparison of the claimed invention including all its limitations with the prior art with the required reasoning justifying his conclusion of obviousness.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By 
Norman J. Latker
Registration No. 19,963

NJL:ma
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528

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